

Exhibit M



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

December 14, 2009

MR. SETH ROSENFELD
POST OFFICE BOX 421,892
SAN FRANCISCO, CA 94142

FOIPA Request No.: 1130210- 000
Subject: AOK, RICHARD MASATO

Dear Mr. Rosenfeld:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request.

We have located approximately 2000 pages which are potentially responsive to your request. Pursuant to the U.S. Department of Justice (DOJ) regulations, 28 C.F.R. §§ 16.11 and 16.49, there is a duplication fee of ten cents per page. The first 100 pages will be provided to you free of charge. In accordance with the DOJ regulations, the FBI notifies requesters when anticipated fees exceed \$25. If all of the pages that are potentially responsive to your request are released, you will owe \$190.00 in duplication fees. Although no payment needs to be made at this time, you must notify us in writing within 60 days from the date of this letter of your willingness to pay. Please remember that this is only an estimate, and if some of the pages are withheld in full pursuant to FOIA/Privacy Act exemption(s) or are determined to not be responsive to your request, the actual charges could be less.

You may want to consider reducing the scope of your request. This would allow you to lower your search and duplication costs and hasten the receipt of your information. Please be advised that your fee waiver is still pending, and you will be advised of a decision at a later date.

The FBI uses a three-queue system as a way to fairly assign and process new requests. The placement of a request in one of the three queues depends on the total number of pages responsive to that request – 500 pages or less (small queue), 501 pages to 2500 pages (medium queue), or more than 2500 pages (large queue). The small queue has the fastest rate of processing. To accelerate the processing of your request, you may wish to consider reducing the scope of your request so that it will fall within one of the smaller queues. Please let us know in writing if you are interested in discussing the possibility of reducing the scope of your request, as well as your willingness to pay the estimated search and duplication costs indicated in the above paragraph. Your written response should provide a telephone number where you can be reached between the hours of 8:00 a.m. and 5:00 p.m., EST, if one is available. Please send this response to:

Work Process Unit
Record Information/Dissemination Section
Records Management Division
Federal Bureau of Investigation
170 Marcel Drive
Winchester, VA 22602

You may also fax your response to the following number: (540) 868-4996. Attention: Work Process Unit. You must include the FOIPA Request Number in any communication regarding this matter.

Enclosed for your information is a copy of the FBI File Fact Sheet.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a large, stylized flourish or "3" shape.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure

FBI FILE FACT SHEET

- The primary function of the FBI is law enforcement.
The FBI does not keep a file on every citizen of the United States .
- **The FBI was not established until 1908 and we have very few records prior to the 1920's.**
- **FBI files generally contain reports** of FBI investigations of a wide range of matters, including counterterrorism, foreign counter-intelligence, organized crime/drugs, violent crime, white-collar crime, applicants, and civil rights.
- The FBI does not issue clearances or nonclearances for anyone other than its own personnel or persons having access to FBI facilities. Background investigations for security clearances are conducted by many different Government agencies. Persons who received a clearance while in the military or employed with some other government agency should write directly to that entity.
- **An FBI identification record or "rap sheet" is NOT the same as an FBI "file"** - it is simply a listing of information taken from fingerprint cards submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. The subject of a "rap sheet" may obtain a copy by submitting a written request to FBI, CJIS Division, Attn: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Each request must have proof of identity which shall consist of **name, date and place of birth and a set of rolled-ink fingerprint impressions** placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies, plus **payment of \$18.00** in the form of a certified check or money order, payable to the Treasury of the United States.
- **The National Name Check Program (NNCP)** conducts a search of the FBI's Universal Index to identify any information contained in FBI records that may be associated with an individual and provides the results of that search to the requesting Federal, State or local agency. For the NNCP, a name is searched in a multitude of combinations and phonetic spellings to ensure all records are located. The NNCP also searches for both "main" and "cross reference" files. A main file is an entry that carries the name corresponding to the subject of a file while a cross reference is merely a mention of an individual contained in a file. The results from a search of this magnitude can result in several "hits" and "idents" on an individual. In each instance where UNI has identified a name variation or reference, information must be reviewed to determine whether it is applicable to the individual in question.
- **The Record/Information Dissemination Section/Freedom of Information-Privacy Acts (FOIPA)** search for records provides copies of FBI files relevant to a FOIPA request for information. FOIPA provides responsive documents to requesters seeking "reasonably described information." For a FOIPA search, the subject name, event, activity, business, or event is searched to determine whether there is an investigative file associated with the subject. This is called a "main file search" and differs from The NNCP search.

FOR GENERAL INFORMATION ABOUT THE FBI,
CHECK OUT OUR WEBSITE AT
<http://www.fbi.gov>

Seth Rosenfeld
P.O. Box 421,892
San Francisco, CA 94142-1892

December 31, 2009

BY MAIL and FAX TO 540-868-4996

Work Process Unit, RI/DS, Records Mngt. Div.
FBI
170 Marcel Drive
Winchester, VA 22602

Re: FOIA No. 1130210-000, Aoki, Richard Masato
(deceased)

Dear FOIA Staff Person:

This letter responds to your letter dated December 14, 2009 concerning the above referenced request.

This letter constitutes my agreement to pay your estimated fees of \$190.00 for all responsive records, which you state total approximately 2000 pages. Please be advised that I do not wish to eliminate any pages from my original request. I reserve my right to pursue a fee waiver at a later date.

Please note that my original request stated that I agreed to pay fees of up to \$200.00.

In addition, my original request stated: "In any event, as requested above, please advise me right away as to whether any of these records have been previously processed." Your letter did not state whether any records have been previously processed. I ask again that you write me stating whether any of the records have been previously processed.

I ask that you comply with the law and promptly release the responsive records. I note that this request is six months and old and no pages have been released to date.

Please contact me at the above address if I may be of any assistance. Thank you for your help.

Sincerely,

Seth Rosenfeld